

Chairman Vap called the regularly scheduled meeting to order at 10:05 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published November 1, 2005 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held November 8, 2005 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Tuesday, November 8, 2005:

911-013/ Commission Hearing Room, Lincoln.
PI-96 In the Matter of the Commission, on its own motion, seeking
1:30 to investigate collection and remittance of enhanced 911
surcharges by prepaid wireless carriers. Commissioner Rod
Johnson presiding as Hearing Officer.

Thursday, November 10, 2005:

C-3448/ Commission Hearing Room, Lincoln.
NUSF-46/ In the Matter of the Joint Petition of Allo Communications,
PI-102 LLC, Imperial; Mobius Communications Company, Hemingford;
10:00 and Pinpoint Communications, Inc., Cambridge, seeking a
docket to investigate findings and conclusions under C-2516
and NUSF-26 regarding competitive business telecommunica-
tions. Commissioner Jerry Vap presiding as Hearing
Officer.

Friday, November 18, 2005:

9:00 State Capitol, Room 1510, Lincoln.
Legislative Hearings on LR 136, 143 and 144.

Monday, November 21, 2005:

1:30 Commission Library, Lincoln.
Nebraska Universal Service Fund Board Meeting

COMMUNICATIONS DEPARTMENT

C-3324 In the Matter of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless, Fort Morgan, Colorado, seeking designation as an Eligible Telecommunications Carrier under 47 U.S.C. Section 214(e)(2). Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order nunc pro tunc. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3345/ In the Matter of the Commission, on its own motion, seeking
NUSF-42/ to investigate Quest's Switched Access Charge Rates: Gene
PI-93 Hand reviewed terms of a joint stipulation filed by
 interested parties explaining that if approved the matter
 would be settled and the docket closed. Motion made by Commissioner
Frank Landis, seconded by Commissioner Anne Boyle, to enter an order
approving the settlement and closing the docket. Motion passed with
Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis
and Jerry Vap voting AYE.

C-3452 In the Matter of CommPartners, LLC, Las Vegas, Nevada,
 seeking authority to operate as a facilities-based local
and interexchange carrier of telecommunications services within the
state of Nebraska: Motion made by Commissioner Lowell Johnson,
seconded by Commissioner Rod Johnson, to enter an order to grant the
application. Motion passed with Commissioners Anne Boyle, Lowell
Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3466/ In the Matter of Navigator Telecommunications, LLC, North
C-3496 Little Rock, Arkansas, seeking authority to provide Compe-
 titive Local Exchange and Interexchange Telecommunications
Services in the state of Nebraska; and, In the Matter of Navigator
Telecommunications, LLC, North Little Rock, Arkansas, seeking author-
ity to withdraw its application to provide Competitive Local Exchange
and Interexchange Telecommunications Services in the state of
Nebraska: Motion made by Commissioner Lowell Johnson, seconded by
Commissioner Rod Johnson, to enter an order withdrawing the appli-
cations. Motion passed with Commissioners Anne Boyle, Lowell Johnson,
Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3469 In the Matter of Budget Phone, Inc., Shreveport, Louisiana,
 seeking designation as an eligible telecommunications
carrier (ETC) in the state of Nebraska: A hearing was scheduled for
January 3rd, 2006, at 2:00 p.m. in the Commission Hearing Room,
Lincoln. Commissioner Jerry Vap was appointed Hearing Officer.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3479 In the Matter of the Commission, on its own motion, seeking to establish a task force to guide the establishment and implementation of "811" as a statewide three digit calling number reserved for access to the Nebraska One-Call Notification System: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to approve the recommended individuals to serve on the 811 task force. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. Commissioner Anne Boyle was appointed Hearing Officer. Don Gray reported on the issues that the 811 task force would address.

C-3480/ In the Matter of Mobius Communications Co., Hemingford,
NUSF-49 seeking designation as an eligible telecommunications carrier (ETC) that may receive federal and state universal service support. Commissioner Jerry Vap presiding as Hearing Officer: A planning conference was scheduled for November 30, 2005 at 10:00 a.m. in the Commission Library, Lincoln.

C-3489/ In the Matter of the Commission, on its own motion, seeking
PI-108 comment on the request by United Way of the Midlands to be assigned the use of "211" for Cedar County to gain access to First Call for Help (FCFH) Services, a comprehensive information and referral service: Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

E-2087 In the Matter of Southern Public Power District, Grand Island, seeking authority to construct, operate and maintain an electric transmission line in Phelps County: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Gene Hand provided the Commission with copies of progress reports from Mobius Communications Company for the Nebraska Internet Enhancement Fund (NIEF) grants made to Dawes, Box Butte and Cheyenne Counties.

Don Gray updated the Commission on new forecasted area code exhaust dates approved by the Federal Communications Commission (FCC) and released by the North American Numbering Plan Administrator (NANPA) on November 3, 2005.

UNIVERSAL SERVICE FUND

NUSF-37.60 In the Matter of Jeffrey L. Pursley, Director, Universal Service Fund Department, Complainant, vs. CommSouth Companies, Incorporated, Respondent. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order to continue the hearing previously scheduled for December 6, 2005, to a date later to be determined. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NUSF-37.64 In the Matter of Jeffrey L. Pursley, Director, Universal Service Fund Department, Complainant, vs. Broadwing Communications, LLC, f/k/a CIII Communications Operations, Respondent. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter an order dismissing the Complaint and removing Broadwing Communications from the hearing scheduled on December 6, 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NUSF-37.67 In the Matter of Jeffrey L. Pursley, Director, Universal Service Fund Department, Complainant, vs. LDMI Telecommunications, Respondent. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter an order dismissing the Complaint and removing LDMI from the hearing scheduled for December 6, 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NUSF-42/ In the Matter of the Commission, on its own motion, seeking
C-3345 to investigate Qwest's Switched Access Charge Rates.
PI-93 Commissioner Landis presiding as Hearing Officer: An order
was entered under the Communication Department's agenda.

NUSF-45 In the Matter of the Commission, on its own motion,
PO #1 seeking to establish Universal Service Fund guidelines for
certain rural incumbent local exchange carriers which have
dual state local exchange boundaries and a majority of subscribers
located outside of Nebraska. Commissioner Vap presiding as Hearing
Officer: Motion made by Commissioner Frank Landis, seconded by
Commissioner Lowell Johnson, to enter an order establishing guidelines
for universal service reporting for carriers that have dual local
exchange boundaries. Motion passed with Commissioners Anne Boyle,
Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NUSF-49/ In the Matter of Mobius Communications Company, Hemingford,
C-3480 seeking designation as an eligible telecommunications
carrier that may receive federal and state universal
service support. Commissioner Vap presiding as Hearing Officer: An
order was entered under the Communication Department's agenda.

UNIVERSAL SERVICE FUND (Cont.)

Jeff Pursley reported on Late-Filed Carrier Remittances. Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to grant the late fee waiver request from Telrite Corporation, issue a complaint against Global Tel*Link Corporation and, amend the current complaint against WorldxChange Corporation a/k/a Acceris to include the September, 2005 late-filed worksheet. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

E911 DEPARTMENT

911-014/ In the Matter of the Commission, on its own motion, seeking
PI-99 to investigate issues related to the current state of land-
line and enhanced wireless 911 service and the means to
ensure statewide access to landline 911 and enhanced wireless 911
service: Motion made by Commissioner Lowell Johnson, seconded by
Commissioner Frank Landis, to enter an order directing the Commission
to submit a report to the Transportation and Telecommunications Com-
mittee of the Legislature in response to LR 143. Motion passed with
Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis
and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0029 In the Matter of the Commission, on its own motion, seeking
to conduct periodic reviews of natural gas supply
purchasing plans of jurisdictional utilities. Commissioner Landis
presiding as Hearing Officer: Motion made by Commissioner Frank
Landis, seconded by Commissioner Lowell Johnson, to enter an order
seeking reports from the jurisdictional utilities on gas in storage
and other preparations for winter. Motion passed with Commissioners
Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap
voting AYE.

P-0010 In the Matter of Metropolitan Utilities District of Omaha,
Omaha, seeking resolution of a dispute under Neb. Rev.
Stat. section 57-1306. Commissioner Landis presiding as Hearing
Officer: Angela Melton reported on Progression Order No. 1 issued by
Hearing Officer Landis on November 3, 2005, providing a timeline and
scheduling a hearing for February 8, 2006, at 10:00 a.m. in the Sarpy
County Courthouse, Sarpy County Board Room, 1210 Golden Gate Drive,
Papillion.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 8, Grain Warehouse and Grain #166 Dealer Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bills 52, 439 and 492 [2005].

Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order issuing a Certificate of Adoption. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Commissioner Landis exited the Commission Hearing Room.

TRANSPORTATION DEPARTMENT

B-1664 In the Matter of Kyle Halsey, dba Heartland Limousine, Beatrice, seeking authority as a common carrier in the transportation of passengers and their baggage in limousine service over irregular routes in Gage and Jefferson counties, and between points in said counties, on the one hand, and, on the other hand, points in Nebraska for passengers originating in Jefferson or Gage counties. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Upon agreement of all Commissioners present, an order was entered scheduling a video conference for January 25, 2005, at 9:00 a.m. in the Commission Library, Lincoln, and the Beatrice State Development Center, Medical Center, Conference Room 2, 3000 Lincoln Blvd., Beatrice. Commissioner Landis was appointed as Hearing Officer.

Rate Division

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was decreased to 58 cents per mile.

GENERAL ADMINISTRATION

Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

DAS Materiel-Postage	\$ 544.11
HHS Finance & Support	798.07
Ted Burkey	1,379.25
General Reporting	502.50
Voyager	1,672.40

GENERAL ADMINISTRATION (Cont.)

Robert Bowman	\$ 731.88
Fred Massing	960.35
Kent Pribyl	942.84
Anne Boyle	499.55
Lowell Johnson	257.10
Gerald Vap	911.84

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM:

AGN Sales	322.55
Aksarben TDD Service	911.70
Alternative Hearing	1,602.50
Associated Hearing Health Care	126.95
B Hear, Inc.	1,481.25
Beltone Hearing Aid Center	2,553.30
Bosler Hearing Aid Center	357.00
Grand Island Hearing Aid Center	877.08
Hamilton Telecommunications	169.95
Hearing Aid Specialists, Inc.	207.00
The Hearing Clinic, Inc.	150.00
Carl A. Johnson	732.65
K-D Communications	6,487.95
McCook Pharmacy and Medical Supply	1,860.30
Professional Hearing Aid Services	689.85
Sherard's Hearing Aid Center	942.30
Teltex, Inc.	789.60
WCI Weitbrecht Communications Inc.	7,063.15
Western ENT	139.95

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to approve the Commission minutes for October 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

Upon agreement of all Commissioners present, authorization was granted for Commissioners to attend the Mid-America Regulatory Conference (MARC) meeting to be held in San Antonio, Texas, from January 5-8, 2006 with most expenses to be paid by MARC.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, to go into closed session to discuss personnel and litigation matters. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting. The Commission went into closed session at 10:30 a.m.

Commission Landis returned to the Commission Hearing Room.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. The Commission returned to open session at 10:44 a.m.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to approve the Executive Director's recommendation on a personnel matter. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

The meeting adjourned at 10:45 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on November 22, 2005, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on November 21, 2005.

Chairman

Executive Director